

REMARKS

The Examiner is thanked for the Official Action mailed October 31, 2002. This Amendment and Request for Reconsideration is intended to be fully responsive thereto.

Claims 1 and 8 were rejected under 35 USC §112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner stated that the third area was never conveyed in the original application or claims. The Applicant respectfully disagrees. As clearly disclosed on page 4, lines 25-27 of the specification, "the toe plate 42 and heel plate 44 are positioned on the recessed bottom 16 of the floor mat and are contained within surrounding walls 46, 48, respectively, which are raised from the recessed bottom.

Claims 1-9 and 11-13 were rejected under 35 USC §102(e), as being unpatentable by Lu (Des. 422,256). Applicant respectfully disagrees.

Regarding claim 1: in order to expedite the prosecution of the present application, claim 1 has been amended to recite that the third area is provided within the first area of the mat adjacent to the texturized surface.

Lu fails to disclose the at least one third area having a substantially smooth bottom surface provided within said first area of the mat and adjacent to the texturized surface, and the at least one wear plate fixed upon the smooth bottom surface of the at least one third area of the molded mat.

The Examiner stated in the Office Action of October 31, 2002 that the plurality of the parallel rectangular protrusions extending from the bottom surface of the floor mat of Lu represent

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the first area having the plurality of raised protrusions extending from the bottom surface providing a texturized surface, as recited in claim 1 of the present application. The Examiner further states that the parallel rectangular protrusions extending from the bottom surface of the floor mat of Lu represent the wear plate.

Even if we assume, for the sake of argument, that the parallel rectangular protrusions extending from the bottom surface of the floor mat of Lu represent the wear plate, the floor mat of Lu would still lack the third area provided within the first area of the mat adjacent to the texturized surface pattern.

Moreover, claim 1 recites that the wear plate is fixed upon the recessed bottom surface of the at least one third area of the molded mat. As defined by the Random House Webster's College Dictionary (1999 Second Random House Edition), the word "fixed" means "attached or placed so as to be firm and not readily movable". That explicitly implies that the wear plate of the present invention is a separate element of the floor mat firmly attached to the third area of the floor mat. As clearly shown in the drawings, the floor mat of Lu is a single-piece molded floor mat having neither toe pad nor heel pad and the parallel rectangular protrusions are integrally formed on the floor mat of Lu.

Further regarding claim 7: The Examiner stated in the Office Action of October 31, 2002 that the plurality of the parallel rectangular protrusions extending from the bottom surface of the floor mat of Lu represent the first area having the plurality of raised protrusions extending from the bottom surface providing a texturized surface, as recited in claim 1 of the present application. The Examiner further contradict himself by stating that Lu discloses in Fig. 1 "an upper area and a

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lower area with rectangular parallel protrusions, which are the toe and heel plates. If this is so, the floor mat of Lu fails to disclose the first area providing the texturized surface.

Therefore, claims 1-7 define the claimed invention over the prior art and are in condition for allowance.

Regarding claim 8: in order to expedite the prosecution of the present application, claim 8 has been amended to recite that the third area is provided within the first area of the mat adjacent to the first texturized surface pattern.

As argued above regarding the rejection of claim 1, Lu fails to disclose the at least one third area having a substantially smooth bottom surface provided within said first area of the mat and adjacent to the first texturized surface pattern, and the at least one wear plate fixed upon the smooth bottom surface of the at least one third area of the molded mat.

Therefore, claims 8-9 and 11-13 define the claimed invention over the prior art and are in condition for allowance.

Claims 10 and 14 were rejected under 35 USC §103(a), as being unpatentable over Lu (Des. 422,256) in view of Wen-Hwang (US 5,215,348). This rejection is respectfully traversed in view of the following comments.

Regarding claim 10: First, as argued above regarding the rejection of claim 8, Lu fails to disclose the at least one third area having a substantially smooth bottom surface provided within said first area of the mat and adjacent to the first texturized surface pattern, and the at least one wear plate fixed upon the smooth bottom surface of the at least one third area of the molded mat.

Wen-Hwang fails to disclose the wear plate made of metal. Instead, Wen-Hwang disclose the pedal piece (11) made of plastic. The Examiner alleges that one of ordinary skill in the art

would have recognized that the hard plastic could be replaced with metal alleging that they obtain similar durability in nature. Applicant disagrees. It is well known in the art that the metal material has substantially higher durability and strength than the plastic material. As disclosed by Wen-Hwang, “after being used for a given period of time, the pedal piece (11) is subject to becoming broken by the shoe heel of driver” (column 2, lines 57-59). Clearly, it would be appreciated by those skilled in the art that the wear plate made of metal may not be “subject to becoming broken by the shoe heel of driver”.

Moreover, Wen-Hwang neither suggests, nor provides any motivation to provide the floor mat with the metal wear plate.

Furthermore, the pedal piece (11) of Wen-Hwang is mounted in a rectangular hole (21) in the foot pad (20), whereas the wear plate of the present invention is claimed to be fixed upon the smooth bottom surface of the third area of the molded mat.

Therefore, the modification and combination of the floor mat of Lu with the pedal piece of Wen-Hwang cannot be made as the floor mat of Lu lacks the third area having the substantially smooth bottom surface provided within the first area of the mat adjacent to the first texturized surface pattern for receiving the wear plate.

Moreover, even if the combination of and modification of Lu and Wen-Hwang suggested by the Examiner could be made, the resulting floor mat still would lack the metal plate fixed upon the smooth bottom surface of the third area of the molded mat, wherein the third area is provided within the first area of the mat adjacent to the first texturized surface pattern.

Thus, the rejection of claim 10 under 35 USC §103(a) is improper.

Regarding claim 14: First, as argued above regarding the rejection of claim 1, Lu fails to

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disclose the at least one third area having a substantially smooth bottom surface provided within said first area of the mat and adjacent to the texturized surface pattern, and the at least one wear plate fixed upon the smooth bottom surface of the at least one third area of the molded mat.

As argued above regarding the rejection of claim 10, Wen-Hwang fails to disclose the wear plate made of metal. Instead, Wen-Hwang disclose the pedal piece (11) made of plastic. Moreover, the prior art neither suggests, nor provides any motivation to provide the floor mat with the meatl wear plate.

Therefore, the modification and combination of the floor mat of Lu with the pedal piece of Wen-Hwang cannot be made as the floor mat of Lu lacks the third area having the substantially smooth bottom surface provided within the first area of the mat adjacent to the texturized surface pattern for receiving the wear plate. Moreover, even if the combination of and modification of Lu and Wen-Hwang suggested by the Examiner could be made, the resulting floor mat still would lack the metal plate fixed upon the smooth bottom surface of the third area of the molded mat, wherein the third area is provided within the first area of the mat adjacent to the texturized surface pattern.

Thus, the rejection of claim 14 under 35 USC §103(a) is improper.

New claims 15-18 have been added.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned “**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**”

It is respectfully submitted that claims 1-14, as amended, and new claims 15-18 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is

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earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew Stavish", with a stylized flourish at the end.

Matthew W. Stavish

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1 and 8 have been amended as follows:

1. (Twice Amended) A vehicle floor mat comprising:

a molded flexible mat having a raised peripheral lip provided on side edges of the molded mat;
a first area contained within the peripheral lip, said first area having a recessed bottom surface and
a plurality of raised protrusions extending from said bottom surface thereby providing a texturized
surface;

at least one third area having a substantially smooth bottom surface, said at least one third area
provided within said first area of the mat and adjacent to said texturized surface; and

at least one wear plate fixed upon said smooth bottom surface of said at least one third area of the
molded mat.

8. (Twice Amended) A vehicle floor mat comprising:

a molded flexible mat having a front surface with a raised peripheral lip provided on side edges of
the molded mat;

a first area contained within the peripheral lip, said first area having a first texturized surface
pattern;

a second area contained within the peripheral lip, said second area having a second texturized

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surface pattern different from said first pattern, wherein said first area of the molded mat generally covers an upper section and a lower section of a substantial floor area of the mat, and said second area of the molded mat generally covers a middle section of the substantial floor area of the mat; at least one third area having a substantially smooth recessed bottom surface, said at least one third area provided within said first area of the mat adjacent to said first texturized surface pattern; and at least one wear plate fixed upon said recessed bottom surface of said at least one third area of the molded mat.

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New claims 15-18 have been added as follows:

15. The vehicle floor mat according to claim 1, wherein said at least one third area is contained within a surrounding wall raised and extending up from said bottom surface.

16. The vehicle floor mat according to claim 10, wherein said metal plate is fixed upon said smooth bottom surface of said at least one third area of the molded mat by a plurality of rivets passing through said floor mat.

17. The vehicle floor mat according to claim 14, wherein said metal plate is fixed upon said smooth bottom surface of said at least one third area of the molded mat by a plurality of rivets passing through said floor mat.

18. A vehicle floor mat comprising:
a molded flexible mat having a front surface with a raised peripheral lip provided on side edges of the molded mat;

a first area contained within the peripheral lip, said first area having a first texturized surface pattern;

a second area contained within the peripheral lip, said second area having a second texturized surface pattern different from said first pattern, wherein said first area of the molded mat generally covers an upper section and a lower section of a substantial floor area of the mat, and said second area of the molded mat generally covers a middle section of the substantial floor

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area of the mat;

at least one third area having a substantially smooth recessed bottom surface; and

at least one metal plate having a texturized surface pattern and fixed upon said recessed bottom surface of said at least one third area of the molded mat, said at least one wear plate is surrounded at its edges by a contoured wall raised and extending up from the bottom surface,

wherein said metal plate is fixed upon said smooth bottom surface of said at least one third area of the molded mat by a plurality of rivets passing through said floor mat.